

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:20-CV-710-FDW-DSC**

HAYWARD INDUSTRIES, INC.,

Plaintiff,

v.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants.

**DECLARATION OF SERVICE
ON DEFENDANT BLUEWORKS
INNOVATION CORPORATION**

I, Russ Ferguson, declare under penalty of perjury as follows:

1. I am an attorney at Womble Bond Dickinson (US) LLP representing Plaintiff Hayward Industries, Inc. in the above-captioned action.

2. Service was made on BlueWorks Innovation Corporation by sending the following documents by FedEx Priority Overnight service to BlueWorks Innovation Corporation, care of its Registered Agent: Haoqi Sun to 12245 Nations Ford Road, Suite 501, Pineville, NC 28134:

- a. Summons issued to BlueWorks Innovation Corporation (Doc. No. 5);
- b. Complaint (Doc. No. 1);
- c. Corporate Disclosure (Doc. No. 2);
- d. Motion for Admission *Pro Hac Vice* for Erik Paul Belt (Doc. No. 3);
- e. Motion for Admission *Pro Hac Vice* for Anne E. Shannon (Doc. No. 4);

- f. Report on the Filing or Determination of an Action Regarding a Patent or Trademark (Doc. No. 6); and
 - g. Court's Case Assignment Packet.
3. According to FedEx, the package was delivered on December 29, 2020.
4. A copy of the FedEx delivery confirmation confirming receipt by BlueWorks Innovation Corporation on December 29, 2020 is attached hereto as **Exhibit A**.
5. Fed. R. Civ. P. 4(e)(1) permits service "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." *See also* Fed. R. Civ. P. 4(h)(1)(A) (permitting service on a corporation by "the manner prescribed in Rule 4(e)(1) for serving an individual"). In turn, N.C. Gen. Stat. § 1A-1, Rule 4(j)(6)(d) permits service on a corporation by "depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and Complaint, addressed to the officer, director, or agent to be served . . . and obtaining a delivery receipt." Thus, service by FedEx Priority Overnight with a delivery receipt, as attached as **Exhibit A**, constitutes proper service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 29, 2020

s/ Russ Ferguson

W. Clark Goodman (N.C. Bar. No. 19927)

Russ Ferguson (N.C. Bar No. 39671)

Womble Bond Dickinson (US) LLP

One Wells Fargo Center

Suite 3500

301 South College Street, Suite 3500

Charlotte, NC 28202

Clark.Goodman@wbd-us.com

Russ.Ferguson@wbd-us.com

Erik Paul Belt*
Anne E. Shannon*
MCCARTER & ENGLISH, LLP
265 Franklin St.
Boston, Massachusetts 02110
Tel: (617) 449-6500
ebelt@mccarter.com
ashannon@mccarter.com

*Motions for admission *pro hac vice* pending

Attorneys for Plaintiff
Hayward Industries, Inc.

EXHIBIT A



December 29, 2020

Dear Customer,

The following is the proof-of-delivery for tracking number: 781979899605

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	G.GILBERTE	Delivery Location:	12245 NATIONS FORD RD STE 502
Service type:	FedEx Priority Overnight		PINEVILLE, NC, 28134
Special Handling:	Deliver Weekday	Delivery date:	Dec 29, 2020 09:26

Shipping Information:

Tracking number:	781979899605	Ship Date:	Dec 28, 2020
		Weight:	1.0 LB/0.45 KG

Recipient:
Blueworks Innovation Corporation, C/O Registered Agent: Haoqi sun
12245 NATIONS FORD RD STE 501
PINEVILLE, NC, US, 28134

Shipper:
Thomas Russell Ferguson, Womble Bond Dickinson (US) LLP
One Wells Fargo Center Suite 3500
301 South College Street
Charlotte, NC, US, 28202

Reference 111876-0001.1/2350

